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SERIES I No. 46

OFFICIAL GAZETTE

GOVERNMENT OF GOA

SUPPLEMENT

No. 2

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/F2/618/2003

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 13-2-2003 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Preservation of Trees (Third Amendment)
Bill, 2003

(Bill No. 8 of 2003)

A

BILL

*further to amend the Goa, Daman and Diu
Preservation of Trees Act, 1984.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Preservation of Trees (Third Amendment) Act, 2003.

(2) It shall come into force at once.

2. *Amendment of section 9.*— In section 9 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act 6 of 1984), for sub-section (5), the following sub-section shall be substituted, namely:—

" (5) Every permission granted under this Act shall be in such form and subject to such

conditions, including charging of a tree felling fee and taking of security deposit for ensuring regeneration of the area and replantation of trees or otherwise, as may be prescribed."

Statement of Objects and Reasons

It is proposed to amend sub-section (5) of section 9 of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act 6 of 1984), so as to make it more clear as the said sub-section (5) in its existing form was not very clear on account of omission of the word " and " so also repetition of word " prescribed ".

The Bill also seeks to provide for a security deposit for ensuring regeneration of the area and replantation of trees, wherever felling takes place.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in the Bill.

Memorandum Regarding Delegated Legislation

Proposed sub-section (5) of section 9 empowers the Government to frame rules to specify the form in which and conditions subject to which every permission under the Act shall be granted.

This delegation is of normal character.

Porvorim-Goa
8th February, 2003

VINAY TENDULKAR
Minister for Forests

Assembly Hall,
Porvorim-Goa
8th February, 2003

S. A. NARVEKAR
Secretary, Legislature

ANNEXURE

**Extract of the Goa, Daman Diu Preservation of
Trees Act, 1984 (Act 6 of 1984)**

Section 9: Procedure for obtaining permission to fell, cut, remove or dispose of a tree.— (1) Any person desiring to fell or remove or otherwise dispose of by any means a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of the documents as may be prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measured at a height of 1.85 metres from ground level and the reasons therefor, survey sketch showing clearly the site and survey numbers of the property.

(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing refuse permission:

Provided that such permission shall not be refused if the tree —

- (i) is dead, diseased or wing-fallen; or
- (ii) is silviculturally mature provided it does not occur on a steep slope; or
- (iii) constitutes a danger to life or property; or

(iv) constitutes obstruction to traffic; or

(v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or

(vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof or any part thereof for bonafide use for fuel, fodder, agricultural implements or other domestic use.

(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(4) If the Tree Officer fails to communicate his permission or refusal within the period specified under sub-section (3), the permission referred to in section 8 shall be deemed to have been granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of a tree felling fee as prescribed by the Government from time to time security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

Assembly Hall,
Porvorim-Goa
8th February, 2003

S. A. NARVEKAR
Secretary, Legislature